

POLICY FLASH 2008-11

DATE: December 12, 2007

TO: Procurement Directors

FROM: Office of Procurement and Assistance Policy, MA-61
Office of Procurement and Assistance Management

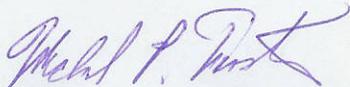
SUBJECT: Use of Brand Name Specifications

This Flash transmits an OFPP memorandum on November 28, 2007 and reminds Contracting Officers across the complex to limit the use of brand name specifications. Contract specifications should emphasize the necessary physical, functional, and performance characteristics of a product and not the brand name. Regulations allow for a specific brand in a solicitation, but the description of the brand's general characteristics must be provided so other companies can clearly understand what is being procured. DOE Contracting Officers must publicize the justification for the use of a brand name with the contract solicitation.

Contracting Officers are encouraged to avoid brand name usage to the maximum extent practicable. Publicizing brand name specifications applies to all acquisitions exceeding \$25,000, including open market purchases, purchases from the Federal Supply Schedules, and sole source procurements. The Federal Acquisition Regulation (FAR) case Implementation of OMB Policy on the Use of Brand Name Specifications, amends the FAR under Federal Acquisition Circular (FAC) 2005-13. Policy Flash 2007-02, dated October 10, 2006, provide a synopsis of this change.

DOE's Balanced Scorecard, "Acquisition & Financial Assistance Self-Assessment Checklist" is being modified to incorporate this requirement under Criterion 8, Advance Planning System and Criterion 9, Presolicitation.

Questions concerning this policy flash should be directed to Sandra Cover at 202-287-1344 or Sandra.Cover@hq.doe.gov.



Michael P. Fischetti, Director
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Attachment